IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

WP(C).No. 3901 of 2007(M)

PETITIONER:

SAJEEB.S.,
MAVINAZHIKAM, NEERAVIL, PERINAD P.O., KOLLAM.

BY ADV. SRI.N.K.MOHANLAL

RESPONDENTS:

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1. THE REGIONAL TRANSPORT AUTHORITY,
KOLLAM, REPRESENTED BY SECRETARY.

2. REGIONAL TRANSPORT OFFICER,
KOLLAM.

3. KUNJURAMAN NAIR,
VELLAVILKULANGARACKAL,
KUTTICHIRA, PEROOR, TKMC P.O.,
KOLLAM.

BY GOVT. PLEADER SMT.N.SUDHADEVI -R1 & R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 3901 OF 2007-M

JUDGMENT

The petitioner has approached this Court, challenging Exts.P4 and P5 orders of the S.T.A.T. The time schedule of the 3rd respondent's vehicle KL-2/U 2737 was settled by the Secretary, R.T.A., by order dated 15.12.2005. The petitioner filed a revision against that before the S.T.A.T. There was a delay of 220 days in filing the revision. So, an application to condone the delay was also filed. The said application was dismissed by the S.T.A.T., by Ext.P4 order. Since the delay petition was dismissed, the revision petition was also dismissed, by Ext.P5 order. Hence this Writ Petition, challenging those orders. The petitioner submits, sufficient ground s were shown and therefore, the Tribunal ought to have condoned the delay.

2. The timing conference was held on 30.11.2005 and the impugned order was passed on 15.12.2005, finalising the time schedule of the 3rd respondent's vehicle. On knowing that based on the timing conference held on 30.11.2005, the time schedule is going to be finalised to his detriment, the petitioner filed a representation on 1.12.2005. Thereafter, he waited without taking any further action. Finally, on 30.6.2006, he filed W.P.(C)

No.17070/2006 before this Court. This Court dismissed the writ petition, on finding that the petitioner can challenge the order before the S.T.A.T. Thereafter, M.V.A.R.P. No.391/2006 was filed with a delay of 220 days. The Tribunal found that the petitioner has not given any valid explanation for the delay. He is an existing operator and he must know that the Secretary, R.T.A has no power to review its own order. So, the petition filed by him before the Secretary was not maintainable. He should have challenged the order before the S.T.A.T in time. Therefore, it was found that no ground has been made out to condone the delay and the delay petition was accordingly dismissed. I find that the view taken by the S.T.A.T is certainly a plausible view. It cannot be said to be arbitrary or irrational. Therefore, the challenge against Ext.P4 fails. Consequently, the challenge against Ext.P5 also is repelled and the Writ Petition is dismissed.

5th February, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/